

FILED
U.S. DISTRICT COURT

2007 OCT 25 2 3:00

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

DISTRICT CLERK

BY: DEPUTY CLERK

UNITED STATES OF AMERICA,

Plaintiff,

v.

SCOTT M. BOLEY,
DOUGLAS MORBY, and
ROBERT LANGFORD,

Defendants.

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Case No. 2:07 CR 00421 DAK

FINDINGS AND SECOND ORDER
CONTINUING THE SETTING OF
TRIAL AND EXCLUDING
TIME UNDER THE
SPEEDY TRIAL ACT

FINDINGS AND ORDER

This matter was heard on the status conference of the Court to review discovery and Defendants' trial preparation on October 9, 2007. Defendant Langford was present and represented by Larry Keller. Defendant Morby was represented by Rebecca Hyde. Defendant Boley was represented by Darin Goff. The United States was represented by Scott J. Thorley, Assistant U.S. Attorney.

Based upon the representations of the parties that the case was complex and that the defendants required and requested additional time to become familiar with, and prepare for, the case, and being familiar with file herein, the Court makes the following Findings:

1. This case is deemed to be complex based upon the number of defendants and the nature of the prosecution and with a substantial amount of discovery to be delivered and reviewed by counsel for the defendants. Several thousand pages of documents have been provided via CD to defendants for review. Much of the documentation constitutes bank records.

2. Time for review of the discovery and preparation of motions and preparations for trial continues to be substantial. Taking into account the exercise of due diligence by the parties, it is unreasonable to expect this process to be completed in an adequate way within the time anticipated by the Speedy Trial Act, Title 18 U.S.C. Sections 3161, et seq., see especially Section 3161(h)(8)(A) and (B)(ii).

3. The ends of justice would be best served by setting a status conference date of December 11, 2007, for counsel to make additional review of the discovery and evidence in this matter. Counsel should be prepared at that time to report on the status of this review with a view toward setting a trial date. The ends of justice so served outweigh the best interest of the defendant, the public or the United States in a speedy trial. All time from the date of the initial appearance up through and including the date of the proposed status hearing is excludable from any calculation required by the Speedy Trial Act.

4. The Court also finds, in accordance with the provisions of 18 U.S.C. §§ 3161 (h) (8) (A) and 3161(h)(8)(B)(iv), that the ends of justice, the public interest, and the Defendants' interests are served by these delays continuing the trial date to provide proper time to prepare for trial, outweigh the best interest of the public and the Defendant in a speedy trial.

Based upon the foregoing Findings, it is hereby ORDERED:

1. A status conference in this matter is set for December 11, 2007 at 10:00 AM. Counsel

shall report on the status of review of discovery and evidence with a focus on setting a trial date.

2. Defendants shall file all motions for discovery on or before October 15, 2007. The government shall respond to said motions on or before October 19, 2007. November 26, 2007 is hereby set as the deadline for motions by the defendants, and the government shall respond as required by the local rules.

2. All time from October 5, 2007, up through and including December 11, 2007, is excludable and is hereby excluded from any calculation required by the Speedy Trial Act, Title 18 U.S.C. § 3161 (h) (1) (F) 3161, et seq.

DATED this 25th day of October, 2007.

BY THE COURT:



SAMUEL ALBA
United States Magistrate Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of the United States Attorney's Office and that true and correct copies of the foregoing PROPOSED FINDINGS AND SECOND ORDER CONTINUING THE SETTING OF TRIAL AND EXCLUDING TIME UNDER THE SPEEDY TRIAL ACT was provided electronically to all persons named below this 18th day of October, 2007.

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/s/ VM

VALERIE MAXWELL

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